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Attorneys for Gregory McKay in his
official capacity as Director of the
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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

A.D. and C. by CAROL COUGHLIN CARTER,
their next friend; S.H. and J.H., a married
couple; M.C. and K.C., a married couple; for
themselves and on behalf of a class of similarly
situated individuals,

Plaintiffs,

v.

KEVIN WASHBURN, in his official capacity as
Assistant Secretary of BUREAU OF INDIAN
AFFAIRS; SALLY JEWELL, in her official
capacity as Secretary of Interior, U.S.
DEPARTMENT OF THE INTERIOR; AND
GREGORY MCKAY, in his official capacity as
Director of the ARIZONA DEPARTMENT OF
CHILD SAFETY,

Defendants.

No. 2:15-cv-01259-PHX-NVW

**STATE DEFENDANT'S
ATTACHMENT 1**

Williams, Dawn

From: Pellegrino, Heather
Sent: Wednesday, October 14, 2015 4:05 PM
To: Williams, Dawn
Subject: FW: Carter v. Washburn Director McKay's Motion to Dismiss

From: Adi Dynar [<mailto:adynar@goldwaterinstitute.org>]
Sent: Wednesday, October 14, 2015 4:04 PM
To: Pellegrino, Heather; Valenzuela, Michael; Johnson, John
Cc: Clint Bolick
Subject: Carter v. Washburn Director McKay's Motion to Dismiss

Heather, Michael,

This email is a follow-up to our phone conference today. I discussed internally, and based on our discussion, we think that if there is going to be any stipulation limiting the counts against Director McKay, that stipulation needs to be drafted by the state. We are happy to take a look at your draft stipulation and get back to you in short order. If your position is going to be that the state's motion to dismiss Count 3 should be granted because this is not a racial classification but a political affiliation issue, then the state will need to address Count 5, and potentially other counts as well, including conceding the commandeering issue. Since the contours of a stipulation, if there's going to be one, are necessarily based on the state's litigation position, it will have to be your draft that we review.

Also, to clarify, in our prior discussions, Plaintiffs have consistently maintained that Count 3 is primarily against Director McKay; the other counts are primarily if not exclusively directed toward the federal government, but your litigation position regarding Count 3 could make them relevant to you.

Sincerely,
Adi

Adi Dynar
Attorney
Goldwater Institute | 602-462-5000

“The Goldwater Institute is simply in the liberty business, and there’s no institution in the country that performs that business better.” – George Will

NOTICE: This message is confidential. If you have received this message in error, please immediately notify the sender and delete it. Thank you.